

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X Index No. 521058/2020
LEONARD ROBERTSON, on behalf of himself
and others similarly situated,

Plaintiff,

AFFIRMATION IN SUPPORT

-against-

3052 BRIGHTON FIRST LLC,

Defendant.
-----X

Bruce Weiner affirms under penalty of perjury:

1. Our firm serves as bankruptcy counsel for Defendant.
2. In August 2021, our firm filed Defendant's application In the United States Bankruptcy Court to retain the Outerbridge Law, PC (OLPC)'s as special counsel a year ago to defend this action.
3. We also sent the application and a proposed order to the Office of the United States Trustee which oversees all chapter 11 cases. The Trustee's office's job is to review the application and order, request changes, and then when the papers are in order, upload the proposed order to the judge for signature.
4. The Assistant United States Trustee made comments and sent the papers back to our paralegal for correction. Although I was copied on his email, I did not see it until it became an issue at a hearing in the Bankruptcy Court.
5. Plaintiff's counsel is very much aware of this error and instead seeks to take advantage of this error to mislead the court and cast OLPC in a bad light, presumably for a strategic benefit.

6. In fact, Plaintiff's counsel and/or its bankruptcy counsel have attended all bankruptcy proceedings and was also under the belief that the order had been entered. Once I found out about the issues, we corrected the papers and supplemented them with an affidavit that the Trustee's Office required. It took time get this done.
7. Ms. Pierre-Outerbridge did not attend the bankruptcy proceedings and was not aware of this error until she attended the bankruptcy proceeding seeking payment of her outstanding fees as class counsel. It was at that time, to the parties' dismay that all discovered that the order had not been entered. Judge Nancy Lord, the bankruptcy judge presiding, stated that she would be entering the order *nunc pro tunc*.
8. Since then the correct papers were filed and an order acceptable to the Assistant United States Trustee was sent to him. He has reviewed it and advised our office that he uploaded it to the Bankruptcy Court for the bankruptcy judge to sign.

Dated: New York, New York
August 1, 2022

x: 

Bruce Weiner